

DANIEL BOGDEN  
United States Attorney  
JOHN W. BURKE  
EHREN P. REYNOLDS  
Trial Attorneys  
Consumer Protection Branch  
United States Department of Justice  
P.O. Box 386  
Washington, D.C. 20044  
Tel: (202) 353-2001 (Burke)  
(202) 598-8339 (Reynolds)  
Fax: (202) 514-8742  
Josh.Burke@usdoj.gov  
Ehren.Reynolds@usdoj.gov  
Attorneys for Plaintiff  
UNITED STATES OF AMERICA

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:16-cr-71-APG (PAL)
Plaintiff,	)	
	)	<b>UNITED STATES' MOTION FOR</b>
vs.	)	<b>ALTERNATIVE VICTIM</b>
	)	<b>NOTIFICATION PROCEDURES</b>
GARETH DAVID LONG,	)	
	)	
Defendant.	)	

COMES NOW THE UNITED STATES OF AMERICA, by and through its counsel of record, Department of Justice Trial Attorneys John W. Burke and Ehren P. Reynolds, and respectfully moves this Court for an order authorizing it to comply with the Crime Victims' Rights Act of 2004, 18 U.S.C. § 3771(a) (the "Act"), by using reasonable alternative measures for notifying hundreds of thousands of potential victims in the above captioned case charging numerous counts of wire fraud, aggravated identity theft, and money laundering. Specifically,

1 the United States seeks an order pursuant to 18 U.S.C. § 3771(d)(2) authorizing compliance  
2 with the Act by publishing information about the case on the Department of Justice’s publicly  
3 accessible website.

#### 4 Discussion

5 The Act provides certain rights to victims in federal criminal proceedings. 18 U.S.C.  
6 § 3771. Among the rights provided by the Act are a victim’s right to “reasonable, accurate, and  
7 timely notice” of public court proceedings, and a right “to confer with the attorney for the  
8 Government in the case.” *See* 18 U.S.C. § 3771(a). The Act further provides that agencies of  
9 the United States “shall make their best efforts to see that crime victims are notified of, and  
10 accorded, the rights described in subsection (a).” *Id.* § 3771(c)(1). The Act defines a crime  
11 victim as “a person directly and proximately harmed” as a result of the commission of a federal  
12 offense. *Id.* § 3771(e). Importantly, the Act recognizes that for crimes involving numerous  
13 victims, the Court has discretion to adopt procedures that will not unduly interfere with the  
14 criminal proceedings. Thus, 18 U.S.C. §3771(d)(2) provides:

15 [i]n a case where the court finds that the number of crime victims makes it  
16 impracticable to accord all of the crime victims the rights described in  
17 subsection (a), the court shall fashion a reasonable procedure to give  
effect to this chapter that does not unduly complicate or prolong the  
proceedings.

18 In this case, the defendant is charged with wire fraud and aggravated identity theft for a  
19 scheme involving the creation and deposit of hundreds of thousands of unauthorized remotely-  
20 created checks drawn on the accounts of unwitting victims throughout the country. The  
21 indictment identifies, by initials, 13 victim account holders in connection with specific wire  
22 fraud and aggravated identity theft counts. Those victims are receiving notice through the  
23 government’s victim notification system. During the course of the wire fraud scheme alleged in  
24

1 the indictment, defendant created and deposited more than 750,000 checks, each in the amount  
2 of \$30. The government has identified more than 375,000 potential victims whose accounts  
3 were debited one or more times.

4 The United States submits that this case fits within the “multiple crime victims”  
5 exception to the Crime Victims’ Rights Act and believes it would be “impracticable” under  
6 Section 3771(d)(2) to identify, locate, and provide personal notification by mail to more than  
7 375,000 potential victims. Notice by website postings is a reasonable procedure that will give  
8 effect to the Act and will not unduly complicate or prolong the public court proceedings. The  
9 U.S. Attorney’s Office public website will provide a statement about victims’ rights, regularly  
10 updated information about the case, and the name and contact telephone numbers of the Victim  
11 Witness Coordinator.

12 The rights enumerated in the Act may only be asserted by crime victims, their counsel,  
13 and government counsel. As a result, the defendant’s position on this notice is not required for  
14 the Court to make a determination of whether this procedure is reasonable. See 18 U.S.C. §  
15 3771 (d)(1).

16 Accordingly, the United States respectfully requests that this Court issue an order  
17 authorizing it to comply with the Act by posting information relevant to victims in this case on  
18 the U.S. Attorney’s Office public website. .

19 DATED: January 27, 2017

20 Respectfully submitted,  
21 DANIEL BOGDEN  
United States Attorney

22 */s/ John W. Burke*  
23 \_\_\_\_\_  
JOHN W. BURKE  
24 EHREN P. REYNOLDS  
Trial Attorneys

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARETH DAVID LONG,


Defendant.

Case No.: 2:16-cr-71-APG (PAL)

**ORDER AUTHORIZING  
ALTERNATIVE VICTIM  
NOTIFICATION PROCEDURES**

This matter comes before the Court on the United States' Motion for Alternative Victim Notification Procedures. The Court finds that (1) the number of potential victims in this case makes it impracticable to provide all the rights provided under 18 U.S.C. 3771(a); (2) the "multiple crime victims" provision of the Act applies to this case; and (3) the means of notifying potential victims as set forth in the United States Motion for Alternative Victim Notification Procedures constitutes a "reasonable procedure" to give effect to and ensure compliance with the notice provisions of the Act.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. 3771(d)(2), that the United States is authorized to comply with 18 U.S.C. 3771(a) by posting information relevant to victims in this case on the U.S. Attorney's Office public website.

  
PEGGY A. LEEN  
United States Magistrate Judge

February 22, 2017

Date

**Certificate of Service**

A copy of the foregoing Motion for Alternative Victim Notification Procedures was served upon counsel of record, via Electronic Case Filing, on this 27th day of January, 2017.

/s/ John W. Burke  
John W. Burke  
Trial Attorney  
U.S. Department of Justice